

REMARKS/ARGUMENTS

This is in response to the final official action dated June 16, 2008. Reconsideration is respectfully requested.

Claim rejections under 35 USC § 102

The Examiner rejected Claims 1-3 and 7 as being anticipated by Dimacopoulos (US Patent No. 4,173,604). Applicant has amended claims 1-3 and 7 to further distinguish over the Dimacopoulos reference and, accordingly, Dimacopoulos does not anticipate the amended claims. As previously provided, Dimacopoulos teaches a fan arranged horizontally within the housing, that is, the fan extends across the inside of the housing and blows directly onto the surface of the vapor generator. Thus, the blades of the fan are arranged parallel to the surface of the vapor generator. In contrast with the presently claimed invention, Dimacopoulos does not have an electrically driven fan arranged "an electrically-driven fan having an axis arranged perpendicularly in the housing and having blades arranged perpendicular to the axis such that that the fan blows a current of air horizontally across the interior of the housing and through the exit port", which comprise "a plurality of parallel slots" in the housing, as Applicant claims and as is shown in Figs. 1-3 and described in the specification. In contrast, the arrangement provided by Dimacopoulos shows air inlet port (15) on the upper end of a housing and outlet ports (16) on the bottom of the housing. Thus, the airflow from the arrangement provided by Dimacopoulos is entirely different than applicant's air flow is designed. Further, Applicant claims "an electrically driven fan having an axis arranged perpendicularly in the housing and having blades arranged perpendicular to the axis and being mounted perpendicular and above the planar evaporation surface" This arrangement is entirely different than the arrangement taught by Dimacopoulos. In Dimacopoulos, the blower is mounted such that it blows directly at the membrane 38, which might lead to drying out the membrane before it can be replenished by the liquid transport means of the capillary action membrane (50). The aerodynamic arrangement in applicant's design enhances the replenishment of the evaporation surface. For maintaining the evaporation surface with the volatile liquid, Applicant uses a centrally disposed wick which transfers liquid to the

evaporation surface. In contrast, Dimacopoulos teaches a narrow capillary action means. Thus, there are substantial differences in the design of the device by applicant, which provides patentable differences.

For these reasons, applicants submit that the anticipatory refection over the cited reference should be withdrawn.

Claim rejections under 35 USC § 103

The Examiner rejected claims 4 and 6 as being unpatenable over Dimacopoulos as applied to claim 1, and further in view of Purzycki (U.S. Patent No. 4,913,350.) In view of the amendment to independent claim 1, dependent claims 4 and 6 are also further amended. As pointed out before, the Examiner admits that Dimacopoulos does not show "at least one flat vane raised on the planar surface essentially perpendicular to the surface" of the horizontal evaporation surface. Instead, he points to Purzycki for providing the missing disclosure. However, applicant submits that Dimacopoulos completely teaches away from a combination with Purzycki. Dimacopoulos discloses a can for the supply storage of the vapor generating material. Immediately beneath and parallel to the can lid 30 is an inner closure member 38 which serves as a dispensing diaphragm, the inner closure member 38 is exposed to the atmosphere upon removal of the removable lid portion 34 over the entire area circumscribed by the peripheral score 32. The inner closure member 38 is a capillary action membrane adapted to receive vapor generating liquid from another capillary action membrane in contact with a localized region and transport the vapor generating liquid by capillary action over its entire disc so as dispense vapors to the atmosphere from its entire exposed upper surface defined within peripheral score 32. The membrane may be blotting paper or non-woven fabric. A tiny hole 40 (0.020 inch to 0.050 in diameter to avoid spillage) is provided through the center of inner closure member 38 which serves as a pressure relief port to prevent buildup of vapor pressure in the head space between the inner closure member 38 and the vapor generating liquid in receptacle 28 under elevated temperature conditions. Such arrangement teaches away from combining the Purzucki reference with the Dimacopoulos reference. In order to fully utilize the capillarity capacity, Purzycki'd capillary

members are freely held by the top housing portion. The capillary members do not reach the bottom of the housing. Combining such capillary member with Dimacopoulos would not be feasible, because the capillary members would not be stable in an opening through the thin blotter paper or non-woven fabric of Dimacopoulos. In addition, the length of the external portion of the capillary members would most likely interfere with the fan blades of Dimacopoulos. In addition, a person of skill in the art would not enlarge the flat evaporation membrane of Dimacopoulos which is optimal with the parallel fan arrangement and provide vertical surfaces protruding from the membrane to enhance the evaporation. But even if the combination of references would be possible somehow, it would not provide applicant's invention, because claim 4 calls for at least one flat vane raised on the planar surface which is essentially perpendicular to the surface and which extends across the surface in the direction of the air flow. Again, even if the combination was possible, the capillary member of Purzycki are not "flat" (they are long), nor are they "raised on the planar surface" (Purzycki shows the long capillary members protruding through the surface of the housing or when combined through the thin membrane) and further, they are not "perpendicular to the surface which extends across the surface in the direction of the air flow".

In addition, concerning claim 6, the references do not make obvious a structure in which "in which at least one vane is adapted to be rotated from a position parallel to the gas flow to a flow-blocking position transverse to the flow."

Thus, Applicant submits that a person skilled in the art would not combine the references and would not obtain applicant's claimed invention.

For these reasons, applicants submit that the references do not render the claims obvious and the rejection should be withdrawn.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time,

Applicants respectfully request that this be considered a petition therefore. The Assistant

Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No.

14-1263.


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ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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